

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

MARY GAUNA,

Plaintiff,

v.

FRISELLA NURSERY, INC., et
al,

Defendants.

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No. 4:22-CV-01390-JMB

ORDER
REFERRING CASE TO ALTERNATIVE DISPUTE RESOLUTION

After due consideration of the issues and in consultation with the parties, the Court finds that this cause is appropriate for referral to an alternative form of dispute resolution as provided by the local rules of this Court.

IT IS HEREBY ORDERED that:

- (a) Referral to ADR: This case is referred to: **Mediation**
- (b) Conduct of ADR Conference(s): The ADR conference(s) shall be conducted in accordance with the procedures outlined in E.D.Mo. L.R. 6.01 - 6.05.
- (c) Scheduling ADR Conference(s): The ADR conference(s) shall be concluded before **December 15, 2023**, unless extended by order of the Court. Although ADR conferences may be conducted at any location agreed to by the parties, counsel, and the assigned neutral, the parties are advised that such conferences may be conducted in designated space in the United States District Court, 111 South 10th Street, 5th Floor, St. Louis, Missouri, and United States District Court, 555 Independence Street, Cape Girardeau, Missouri, by making arrangements with the Office of the Clerk.

(d) General Rules Governing ADR Conference(s): The ADR procedures are defined and the process shall be conducted in accordance with E.D.Mo. L.R. 6.01-6.05. The following Orders are entered in this matter:

(1) Designation of Lead Counsel: **Joseph A. Ott** is designated as lead counsel and shall be responsible for working with the parties and the neutral to coordinate an agreeable date, time, and, if necessary, location for the initial ADR conference.

(2) Responsibilities of Lead Counsel: Not later than **November 21, 2023**, lead counsel shall notify the clerk of the agreed choice of neutral selected by the parties and the date, time and location of the initial ADR Conference (see Designation of Neutral/ADR Conference Report form, <www.moed.uscourts.gov>, ADR, forms). Upon selection of the neutral, lead counsel shall send a copy of this order to the neutral.

(3) Authority of the Neutral: The neutral shall have authority to consult and conduct conferences and private caucuses with counsel, individual parties, corporate representatives and claims professionals, to suggest alternatives, analyze issues and positions, question perceptions, stimulate negotiations, and keep order.

(4) Compliance with Deadlines: All deadlines must be complied with in a timely fashion and the appropriate forms filed with the Clerk of the District Court. If a deadline cannot be met, the designated lead counsel shall **file a motion requesting an extension of the deadline** prior to the expiration of that deadline. Noncompliance of any deadline set herein by this Court may result in the imposition of sanctions to the appropriate party or parties.

Nothing in this order alters the Case Management Order previously entered in this case. All deadlines set forth in that Case Management Order remain in full force and effect.

Dated this 1st day of November, 2023.

/s/ John M. Bodenhausen
JOHN M. BODENHAUSEN
UNITED STATES MAGISTRATE JUDGE

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DESIGNATION OF NEUTRAL BY PARTIES
AND
ADR CONFERENCE REPORT

Pursuant to the Court's Order Referring Case to ADR for **Mediation**, dated November 1, 2023, the parties hereby designate by agreement the following individual from the Court's list of Certified Neutrals to serve as Neutral in the above-styled action.

Name of Neutral/Firm: _____

Firm Address: _____

Telephone: _____ Fax: _____

The attorneys of record in this case are:

Lead Counsel: _____

Firm Address: _____

Telephone: _____ Fax: _____

Other Counsel: _____

Firm Address: _____

Telephone: _____ Fax: _____

The completion deadline for this ADR referral is December 15, 2023.

The parties, in consultation with the assigned neutral, hereby designate by agreement the following date, time, and location of the initial ADR conference

Date of Conference: _____, 20____

Time of Conference: _____ a.m./p.m.

Location of Conference (Check One):

☐ Designated Space at: Eastern District of Missouri
Thomas F. Eagleton Courthouse
111 South 10th Street
St. Louis, MO 63102

☐ Other Location: _____

All parties and the assigned neutral have been given at least fourteen (14) days notice of the above-dated conference. The neutral shall schedule any additional conference(s) in consultation with the parties.

We, the undersigned parties to this action, declare that this designation is both consensual and mutual

Date

Signature of Plaintiff(s)

Signature of Defendant(s)